

REMARKS

Claims 1-27 are cancelled. Claims 28-30, 32-46, 50-56, and 60-64 are withdrawn. Claims 31, 47-49, 57-59, and 65-79 are pending. By this amendment, claim 57 is amended. No new matter is introduced. Reconsideration and issuance of a notice of allowance is respectfully requested.

The January 29, 2003 Office Action states that claims 31, 47-49, and 67-69 are allowed.

On page 2 of the January 29, 2003 Office Action, claims 57-59 and 65-66 are rejected under 35 U.S.C. § 112, first paragraph. As discussed below, claim 57 is amended to overcome this rejection.

On page 4 of the Office Action, the Examiner contends that Applicants' citation of the New Oxford American Dictionary, Oxford Press (2001) on page 4 (third paragraph) of the amendment filed on August 15, 2002, is improper because the filing date of the application is October 27, 1997. Accordingly, the Examiner stated that it is improper to cite a dictionary published in the year 2001 as evidence for terms utilized in an application filed prior to the year 2001.

Applicants respectfully disagree with the Examiner. On October 16, 2002, the United States Court of Appeals for the Federal Circuit issued its opinion in *Texas Digital Systems, Inc. v. Telegenix, Inc.*, 308 F.3d 1193 (Fed. Cir. 2002). That case is now considered a leading case on the use of dictionaries to construe claim language. In that case, the court held that it is the issue date of the patent that is relevant to determining the use of a dictionary in construing language in a claim. In that case the court stated:

When a patent is granted prosecution is concluded, the intrinsic record is fixed, and the public is placed on notice of its allowed claims. Dictionaries, encyclopedias, and treatises, publicly available at the time the patent is issued (*emphasis added*), are objective resources that serve as reliable sources of information on the established meanings that would have been attributed to the terms of the claims by those of skill in the art. Such references are unbiased reflections of common understanding not influenced by expert testimony or events subsequent to the fixing of the intrinsic record by the grant of the patent, not colored by the motives of the parties, and not inspired by litigation. ...

308 F.3d at 1202-03

However, whether or not the issue date of the patent or the filing date of the patent application is used, the dictionary meanings of the terms “managing” and “monitoring” are the same. In the Tenth Edition of Merriam Webster’s Collegiate Dictionary “managing” is defined as “to exercise executive, administrative, and supervisory direction of ...” “Monitoring” is defined as “to watch, keep track of, or check ...” These entries are attached hereto as Exhibit A. Applicants submit that these meanings in the Merriam Webster’s Dictionary, which bears a copyright of 1995, set forth the same meanings as the Oxford Dictionary previously cited by Applicants.

Accordingly, Applicants submit that the term “CPU manages and monitors the digital logic component” is supported by the disclosure.

The Examiner now agrees that the CPU manages the combining process. However, the Examiner contends that the disclosure does not support the CPU managing the serializer. Applicants respectfully traverse this rejection, but have amended claim 57. Thus, the rejection is moot. Applicants, however, want to make it clear that this amendment is submitted without them in any way agreeing that the Examiner’s position has any merit, without abandoning the subject matter and without dedicating such subject matter to the public. Applicants specifically reserve the right to file a continuation or any other form of application to obtain all appropriate claim coverage to which they are entitled.

Should the Examiner determine that anything further is necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the Applicants undersigned representative at the telephone number listed below.

Appl. No. 08/958,088

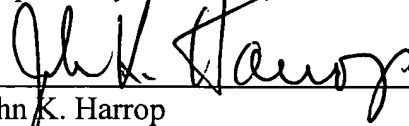
Amendment dated September 8, 2003

Reply to Notice Of Non-Compliant Amendment of August 6, 2003

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, caused by this filing to Deposit Account Number 50-0897.

Dated: September 8, 2003

Respectfully submitted,



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Enclosure: Exhibit A



Merriam- Webster's Collegiate[®] Dictionary

TENTH EDITION

Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

ie Preface to
n-Webster's



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1. English language—Dictionaries. I. Merriam-Webster, Inc.

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Abbreviation:

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—used intersectionally to express intensity of feeling (~, what a game)
2 a: **INDIVIDUAL PERSON** (a ~ could get killed there) **b**: the individual who can fulfill or who has been chosen to fulfill one's requirements (she's your ~) **3 a**: a feudal tenant; **VASSAL** **b**: an adult male servant **c pl**: the working force as distinguished from the employer and usu. the management **4 a**: one of the distinctive objects moved by each player in various board games **b**: one of the players on a team **5**: an alumnus or of student at a college or university (a Bowdoin ~) **6 Christian Science**: the compound idea of infinite Spirit: the spiritual image and likeness of God: the full representation of the **Mind** **7 often cap**: **POLICE** (when I heard the siren, I knew it was the *Man* —*Amer. Speech*) **8 often cap**: the white establishment: white society (surprise that any black... should take on so about The *Man* —*Peter Goldman*) **9**: one extremely fond of or devoted to something specified (strictly a vanilla ice cream ~) — **man-less** \ˈmæn-ləs/ **adj** — **man-like** \ˈjɪk-/ **adj** — **as one man**: with the agreement and consent of all: **UNANIMOUSLY** — **one's own man**: free from interference or control: **INDEPENDENT** — **to a man**: without exception
man **v** **managed**; **man-ning** (12c) **1 a**: to supply with people (as for service) (~ a fleet) **b**: to station members of a ship's crew at (~ the captain) **c**: to serve in the force or complement of (well ~ the concession stand while you sell tickets) **2**: to accustom (~ as a hawk) to humans and the human environment **3**: to furnish with strength or powers of resistance: **BRACE**
ma-na \ˈmā-nə/ **n** [of Polynesian origin; akin to Hawaiian & Maori *mana mana*] (ca. 1843) **1**: the power of the elemental forces of nature embodied in an object or person **2**: moral authority: **PRESTIGE**
man-about-town \ˈmæn-ə-ˈbaʊt-ˈtaʊn/ **n pl** **men-about-town** \ˈmæn-ə-ˈtʃaʊn/ (1734): a worldly and socially active man
man-a-cle \ˈmæ-ni-kl/ **n** [**ME** *manicle*, fr. **ML** fr. *manicula*, dim. of *manus* hand — more at **MANUAL**] (14c) **1**: a shackle for the hand or wrist: **HANDCUFF** — **usu.** used in pl. **2**: something used as a restraint
manacle **v** **man-a-cled**; **man-a-cling** \-kɪŋ/ (14c) **1**: to confine (the hands) with manacles **2**: to make fast or secure: **BIND**: broadly (to restrain from movement, progress, or action) **syn** see **HAMPER**
man-age \ˈmæ-nij/ **v** **manages** (1561) **1**: to handle or direct with a degree of skill: as **a**: to **HUSBAND** (*managed his resources carefully*) **c**: to treat with care: **MANAGE** (*managed his resources carefully*) **c**: to exercise executive, administrative, and supervisory direction of (~ a business) (~ a bond issue) (~ the press) (~ stress) **3**: to succeed in or try to alter for a purpose (*managed to escape from prison*) **4**: to direct the professional career of (an agency that ~s entertainers) ~ **vi** **1 a**: to direct or carry on business or affairs; **also**: to direct a baseball team **b**: to admit of being carried on **2**: to achieve one's purpose **syn** see **CONDUCT**
manage **n** (*In maneggio management, training of a horse, fr. maneggio*) (ca. 1387) **1**: **archaic**: the action and paces of a trained riding horse **b**: the schooling or handling of a horse **c**: a riding school **2 obs**: **MANAGEMENT**
man-age-able \ˈmæ-ni-jə-bəl/ **adj** (1598): capable of being managed — **man-age-abil-i-ty** \ˈmæ-ni-jə-ˈbi-l-i-ti/ **n** — **man-age-able-ness** \ˈmæ-ni-jə-ˈbi-l-i-ti/ **n** — **man-age-ably** \-bəl/ **adv**
man-age-ment \ˈmæ-nij-mənt/ **n** (1598) **1**: the act or art of managing: the conducting or supervising of something (as a business) **2**: judicious use of means to accomplish an end **3**: the collective body of those who manage or direct an enterprise — **man-age-men-tal** \ˈmæ-nij-mən-ˈtəl/ **adj**
man-a-ger \ˈmæ-ni-jər/ **n** (1588): one that manages: as **a**: a person who conducts business or household affairs **b**: a person whose work or profession is management **c (1)**: a person who directs a team or athlete **(2)**: a student who in scholastic or collegiate sports supervises equipment and records under the direction of a coach — **man-a-ge-ri-al** \ˈmæ-nə-ˈjir-i-əl/ **adj** — **man-a-ge-ri-al-ly** \-i-əl/ **adv** — **man-a-ger-ship** \ˈmæ-ni-jər-ʃɪp/ **n**
man-a-ger-ess \ˈmæ-ni-jə-rəs/ **n** (1797): a woman who is a manager
managing editor **n** (1865): an editor in executive and supervisory position of all editorial activities of a publication (as a newspaper)
ma-na-na \ˈmæn-ˈyā-nə/ **n** [Sp, lit., tomorrow, fr. (assumed) VL *maneana*, fr. fem. of *maneana* early, fr. L *mane* early in the morning] (1845): an indefinite time in the future
mañana **adv** (1879): at an indefinite time in the future
man ape **n** (ca. 1864) **1**: **GREAT APE** **2**: any of various fossil primates intermediate in characters between recent humans and the great apes
Ma-nas-seh \ˈmæ-nə-sə/ **n** [Heb *Ménashsheh*] **1**: a son of Joseph and the traditional eponymous ancestor of one of the tribes of Israel **2**: a king of Judah reigning in the 7th century B.C. and noted for his attempt to establish polytheism
man-at-arms \ˈmæn-ət-ˈɑrmz/ **n pl** **men-at-arms** \ˈmæn-ət-ˈɑrmz/ (1581): **SOLDIER**: a heavily armed and usu. mounted soldier
man-a-tee \ˈmæ-nə-ti/ **n** [Sp *manatí*] (1555): any of a genus (*Trichechus*) of chiefly tropical aquatic herbivorous mammals that differ from the related dugong esp. in having the tail rounded
Man-ches-ter terrier \ˈmæn-ˌtʃes-tər-, ˌtʃə-stər-/ **n** [*Manchester, England*] (1891): any of a breed of small short-haired black-and-tan terriers developed in England
man-child \ˈmæn-ˌtʃɪld/ **n pl** **men-child** \ˈmæn-ˌtʃɪld-ˌdrən/ (14c): a male child: **SON**
man-chi-neel \ˈmæn-ˌtʃi-neɪ/ **n** [**F** *mancinella*, fr. Sp *manzanilla*, fr. dim. of *manzana* apple] (1630): a poisonous tropical American tree (*Hippomane mancinella*) of the spurge family having a blistering milky juice and apple-shaped fruit
Man-chu \ˈmæn-ˌtʃʊ-, mæn-/ **n pl** **Manchu** or **Manchus** (1697) **1**: a member of an indigenous people of Manchuria who conquered China and established a dynasty there in 1644 **2**: the Tungusic language of the Manchu people — **Manchu** **adj**
man-ci-ple \ˈmæn(t)-sə-pl/ **n** [**ME**, fr. **ML** *mancipium* office of steward, fr. L act of purchase, fr. *mancip*, *manceps* purchaser — more at



manatee



manatee

EMANCIPATE] (13c) : a steward or purveyor esp. for a college or m
tery
-mancy *n* comb form [ME -mancie, fr. OF, fr. L -mantia, fr. *man-*
-mantia, fr. *mantia*, fr. *mantis* diviner, prophet — more at *MAN-*
: divination (oneiromancy)
Man-dae-an \man-'dē-ən\ *n* [Mandaean *mandayy* having knowl
(1875) 1 : a member of a Gnostic sect of the lower Tigris and E
tes regions 2 : a form of Aramaic found in documents writ
Mandaean — Mandaean *adj*
man-dala \man-'dā-lə\ *n* [Skt *mandala* circle] (1859) 1 : a Hin
Buddhist graphic symbol of the universe; *specific* : a circle enclos
square with a deity on each side 2 : a graphic and often sym
pattern usu. in the form of a circle divided into four separate se
or bearing a multiple projection of an image — *man-dal-ic* \ma
lik\ *adj*
man-da-mus \man-'dā-məs\ *n* [L. *we enjoin*, fr. *mandare*] (151
writ issued by a superior court commanding the performance of a
ified official act or duty
Man-dan \man-'dan, -dən\ *n*, *pl* Mandan or Mandans (1805)
member of an American Indian people of the Missouri River Va
No. Dakota 2 : the Siouan language of the Mandans
man-da-rin \man-'dā-ſrən\ *n* [Pg *mandarin*, fr. Malay *mān*
Skt *mantrin* counselor, fr. *mantra* counsel — more at MANTRA] (1
1 : a : a public official in the Chinese Empire LAUREAT *c* : a per
grades *b* (1) : a pedantic official (2) : BUREAUCRAT *c* : a per
position and influence often in intellectual or literary circles; esp
elder and often traditionalist or reactionary member of the court and the
cap : a : a form of spoken Chinese used by the court and the
classes of the Empire *b* : the group of closely related Chinese dia
that are spoken in about four fifths of the country and have a stan
variety centering about Beijing 3 [F *mandarine*, fr. Sp *mandarin*
prob. fr. *mandarin* mandarin, fr. Pg *mandarin*; prob. fr. the color
mandarin's robes] : a : a small spiny orange tree (*Citrus reticulata*)
southeastern Asia with yellow to reddish orange loose-rinded fru
also : a derivative of this tree developed in cultivation by artif
lection or hybridization *b* : the fruit of a mandarin — *man-da-*
\man-'dā-'n-ik\ *adj* — *man-da-rin-ism* \man-'dā-ſr-iz-əm\ *n*
2 *mandarin* *adj* (1604) 1 : of, relating to, or typical of a mandarin
graces] 2 : marked by polished orate complexity of language
prose)
man-da-rin-ate \man-'dā-ſr-ə-nāt\ *n* [prob. fr. F *mandarinat*, fr.
darin mandarin, fr. Pg *mandarin*] (*ca* 1741) 1 : the office or w
a mandarin 2 : a body of mandarins 3 : rule by mandarins
mandarin collar *n* (1947) : a narrow stand-up collar usu. of
front
mandarin orange *n* (1771) : MANDARIN 3
man-da-tary \man-'dā-ter-ē\ *n*, *pl* -tar-ies (15c) : MANDATORY 1
-man-date \man-'dāt\ *n* [MF & L; MF *mandat*, fr. L *mandat*
neut. of *mandatus*, pp. of *mandare* to entrust, enjoin, prob. fr.
manus hand + *-dere* to put — more at MANUAL DO] (1501)
authoritative command; *esp* : a formal order from a superior offi
official to an inferior one 2 : an authorization to act given to a
sentative (accepted the ~ of the people) 3 : a : an order or
sion granted by the League of Nations to a member nation for
tablishment of a responsible government over a former German
or other conquered territory *b* : a mandated territory
2 *mandate* *v* *man-dat-ed*; *man-dat-ing* (1919) 1 : to admini
ation (as a territory) under a mandate 2 : to make mandatory
DER: also : DIRECT, REQUIRE
man-da-tor \man-'dā-tər\ *n* (1681) : one that gives a mandate
1 *man-da-tor-y* \man-'dā-tōr-ē, -tōr-ē\ *adj* (1576) 1 : contain
constituting command : OBLIGATORY (retirement age) 2 :
relating to or holding a League of Nations mandate — *man-da-*
ly \-tōr-ē-lē, -tōr-ē\ *adv*
2 *mandatory* *n*, *pl* -ries (1661) : one given a mandate; *esp* : a
holding a mandate from the League of Nations
man-day \man-'dā\ *n* (1925) : a unit of one day's work by one p
Mande \män-'dä, män-'ē\ *n* (1883) 1 : MANDINGO 2 : a bran
Niger-Congo language family spoken primarily in Sierra Leone
ria, Guinea, Ivory Coast, Mali, and Burkina Faso
man-di-ble \man-'dā-bəl\ *n* [MF, fr. LL *mandibula*, fr. L *man*
lower; prob. akin to Gk *masasthai* to chew] (15c) 1 : a : JAW
chew jaw consisting of a single bone or of completely fused
: the lower jaw with its investing soft parts *c* : either the
lower segment of the bill of a bird 2 : any of various inver
mouthparts serving to hold or bite food materials; *esp* : either
of the anterior pair of mouth appendages of an arthropod cha
ing strong biting jaws — *man-dib-u-lar* \man-'di-byə-lər\ *adj*
man-dib-u-late \-lət\ *adj*
Man-din-go \man-'din-'gō\ *n*, *pl* Mandingo or Manding
Mandingos (1623) 1 : a member of a people of western A
tering in the area of the upper Niger valley 2 : the langua
Mandingo people
Man-din-ka \man-'din-kə\ *n*, *pl* Mandinka or Man
dinkas (1939) : MALINKÉ
man-di-o-ca \man-'dē-'ō-kə\ *var* of MANIOC
man-do-la \man-'dō-lə\ *n* [It, fr. F *mandore*, modif. of
LL *pandura* 3-stringed lute — more at BANDORE] (1758)
(1758) : a 16th and 17th century lute that is the ances
tor of the smaller mandolin
man-do-lin \man-'dō-'līn, 'man-'dī-ən\ *also* *man-do-*
line \man-'dō-'lēn, 'man-'dī-ən\ *n* [It *mandola*, dim.
of *mandola*] (1707) 1 : a musical instrument of the
lute family that has a usu. pear-shaped body and fret
tled neck and four to six pairs of strings 2 *usu* *mando-*
line [F, fr. It *mandolino* mandolin] : a kitchen utensil
with a blade for slicing and shredding — *man-do-lin-*
ist \man-'dō-'lī-nist\ *n*
man-drag-o-ra \man-'dra-gə-rə\ *n* [ME, fr. OE. fr. L
mandragora, fr. Gk] (bef. 12c) : MANDRAKE 1
man-drake \man-'drāk\ *n* [ME, prob. alter. of *man-*
dragora] (14c) 1 : a : a Mediterranean herb (*Man-*
dragora officinarum) of the nightshade family with
ovate leaves, yellowish or purple flowers, and a large

turned root traditionally credited
 to a mandrake formerly used esp.
 as a narcotic and soporific
man-drel also **man-dril** \man-
 1943) 1 a: a usu. tapered or
 carved into a hole in a piece of w
 metal bar that serves as a co
 may be cast, molded, forged, be
 and bearings on which a tool (as
man-drill \man-dril/ n (prob. fr
Papio spinosus syn. *Mandrill*)
 Congo River with the male havin
man \mān/ n (ME, fr. OE *man*
 in-lace) (bef. 12c) 1: long an
 and head of some mammals (as
 a person's head — **maned**) **man**
man-eater \man-'ē-tər/ n (160
 appetite for human flesh: as
 G. GREAT WHITE SHARK — cat
 shark c: a large feline (as a lion
 feeding on human flesh — **man**
man-eating \man-'ē-tiŋ/ n (1903): a yellow
man-eater inhabiting So. America
 on the nape and lower legs
man-eater also **ma-neg** \ma-'neŋ/
 negro to training of a horse — mor
 matching horsemanship and for
 manship or of training horses 3
man-eater
man-nā \mā-nās, 'mā-nēz/ n pl
 the ancient Roman dead honor
 or appeared spirit of a dead
man-nā-ver \ma-'nū-vər/ n 'nyū-
 work done by hand, fr. ML *manu*
 (1758) 1: a military
 training exercise; esp: an e
 involving military and naval
 done used in pl. 2: a procedure
 most physical movement 3 a
 an intended and controlled va
 in the operation of an airpla
 tactical end b: an adroit and c
 ing trickery and deception **syn**
maneuver vb **ma-neu-vered**:
 \mā-'nū-rɪŋ/ n (1777) 1 a: a t
 wily tactics in order to secure a
 changes in direction and positio
 programs: SCHEME ~ vi 1: t
 to manage into or out of a p
 to guide with adroitness and c
 result of skillful management
 tactic, ~nyū-, ~nyū-rɪŋ-rə/ n
 ~nyū-rɪŋ-rə/ adj — **ma-ne**
man-for-man \man-'fər-man/ a
 Friday n (*Friday*, servant
 of Defoe) (1887) an offic
 right-hand man
man-fal \man-'fal/ adj (14c): ha
 ~ **man-fully** \-'fəl-ē/ adv
man-ga-bey \man-'ga-(b)ē/ n f
 Madagascar) (1774): any of a
 small African monkeys
man-ga-n ~ **comb form** [G *Mangan*,
 (1904)]
man-ga-nate \man-'ga-nāt/ n (11
 is the anion MnO₄ 2: **MANGANI**
man-ga-nese \man-'ga-nēz, -nēz/
 manganese dioxide) (1783): a gr
 element that resembles iron
 ~ **man-ga-ne-sian** \man-'
 manganese dioxide n (1882): a
 as an oxidizing agent, as a d
 glass and ceramics
man-ga-nic \man-'ga-nik, man-'
 derived from manganese; esp: c
 above or six
man-ga-nite \man-'ga-nīt/ n (18
 184) that is a hydroxide of mang
 any of various unstable salts m
 with a base
man-ga-nous \-'nəs/ adj (1842):
 containing; esp: containing this elem
man-ga \māŋ/ n [alter. of ME
mangier to eat] (1340): any of
 a marked esp. by eczematous:
 ing domestic animals or someti
 ~ **man-ga-nic** mite — compare **SARCO**
man-gol \man-'gəl/ n [short for
 ~ **man-gol** to reddish orange beet ext
man-gol-wur-zel \-'wɜr-zəl/ n
 ~ **man-gol-wur-zel** root] (1767)
man-gor \mān-'gɔr/ n [ME *man*
 to eat, fr. L *manducare* to
 ~ **man-gor** to chew — more at **M**
 ~ **man-gor** a white designed to hold feed
man-gle \man-'gal/ v **man-gle**
 ~ **man-gle** (15c) 1: to injure wit
 ~ **man-gle**, or crushing (people
 ~ **man-gle**, injure, or make incoh
 ~ **man-gle** beyond recognition)
mangle n [D *mangel*, fr. G, fr.
 ~ **man-gle** 1. *manganum*] (1774): a
 ~ **man-gle** between heated rollers

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